

**2013 DRAFTING REQUEST**

**Bill**

Received: **1/25/2013** Received By: **eshea**  
Wanted: **As time permits** Same as LRB:  
For: **Administration-Budget** By/Representing: **Kirby**  
May Contact: Drafter: **eshea**  
Subject: **Nat. Res. - fish and game** Addl. Drafters:  
Extra Copies:

Submit via email: **YES**  
Requester's email:  
Carbon copy (CC) to:

---

**Pre Topic:**

DOA:.....Kirby, BB0423 -

---

**Topic:**

Deer management assistance program

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**Instructions:**

See attached

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**Drafting History:**

<u>Vers.</u>	<u>Drafted</u>	<u>Reviewed</u>	<u>Typed</u>	<u>Proofed</u>	<u>Submitted</u>	<u>Jacketed</u>	<u>Required</u>
/P1	eshea 2/4/2013	evinz 1/30/2013	jmurphy 1/31/2013	_____	sbasford 1/31/2013		State
/P2		evinz 2/4/2013	jmurphy 2/4/2013	_____	sbasford 2/4/2013		State

FE Sent For:

<END>

**2013 DRAFTING REQUEST**

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/P1	eshea 1/30/2013	evinz 1/30/2013	jmurphy 1/31/2013	_____	sbasford 1/31/2013		State

FE Sent For:

*1/22 evv 2/2/13*

*jm  
2/4/13*

*jm  
2/4/13*

<END>

## 2013 DRAFTING REQUEST

### Bill

Received: 1/25/2013 Received By: eshea  
Wanted: As time permits Same as LRB:  
For: Administration-Budget By/Representing: Kirby  
May Contact: Drafter: eshea  
Subject: Nat. Res. - fish and game Addl. Drafters:  
Extra Copies:

Submit via email: YES  
Requester's email:  
Carbon copy (CC) to:

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DOA:.....Kirby, BB0423 -

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Deer management assistance program

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### Instructions:

See attached

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/P1	eshea	p/eev 1/30/13	Jim 1/30	Jim + JK 1/31			

FE Sent For:

<END>

**Shea, Elisabeth**

---

**From:** Hanaman, Cathlene  
**Sent:** Thursday, January 24, 2013 4:59 PM  
**To:** Gibson-Glass, Mary; Shea, Elisabeth; Kite, Robin  
**Subject:** FW: [Possible SPAM] Statutory Language Drafting Request - BB0423  
**Importance:** Low  
**Attachments:** DMAP.docx

**From:** Peter.Kirby@Wisconsin.gov [mailto:Peter.Kirby@Wisconsin.gov]  
**Sent:** Thursday, January 24, 2013 4:55 PM  
**To:** Hanaman, Cathlene  
**Cc:** Thornton, Scott - DOA; Wavrunek, Leah J - DOA; Kirby, Peter W - DOA  
**Subject:** [Possible SPAM] Statutory Language Drafting Request - BB0423  
**Importance:** Low

**Biennial Budget:** 2013-15

**Topic:** Deer Management Assistance Program

**Tracking Code:** BB0423

**SBO Team:** AEJ

**SBO Analyst:** Kirby, Peter W - DOA  
**Phone:** 608-267-0370  
**E-mail:** [Peter.Kirby@Wisconsin.gov](mailto:Peter.Kirby@Wisconsin.gov)

**Agency Acronym:** DNR

**Agency Number:** 370

**Priority:** High

**Intent:**

Please see attached. DNR would also like Language on the creation of emergency rules to implement akin to the Bonus Deer Permit Fee request.

**Attachments:** True

Please send completed drafts to [statlanguage@wisapps.wi.gov](mailto:statlanguage@wisapps.wi.gov)

1/25/2013

20.370(1)(hg) Deer Management Assistance Program. All moneys received from enrollment fees in the deer management assistance program under 29.020 to be used for administering the Deer Management Assistance Program.

29.020 Deer Management Assistance Program. The department shall establish a Deer Management Assistance Program that will allow landowners and hunters to work together with the department to manage deer on a site-specific basis. The program will actively involve members of the public in the collection, analysis, and reporting of deer harvest information and improve the quality of the deer herd. The department may establish enrollment fees for participation in the program under this section which shall be credited to the appropriation account under s. 20.370(1)(hg).

*encourage  
collect + provide info  
dept can improve*

*Act 169*

*shall prom rules*



State of Wisconsin  
2013 - 2014 LEGISLATURE



LRB-1332/P1

EHS:.....

In 1/30/13

D-Note

DOA:.....Kirby, BB0423 - Deer management assistance program

**FOR 2013-2015 BUDGET - NOT READY FOR INTRODUCTION**

SAJ  
xref NA

d-note

1 AN ACT <sup>don't get</sup> relating to: the budget.

*Analysis by the Legislative Reference Bureau*

**NATURAL RESOURCES**

**FISH, GAME, AND WILDLIFE**

INSERT A →

This bill requires DNR to establish a deer management assistance program. Under this program, DNR encourages members of the public to provide it with deer harvest information, which DNR uses to improve the health and manage the population of deer herds.

*The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:*

2 SECTION 1. 20.370<sup>✓</sup> (1) (hg) of the statutes is created<sup>✓</sup> to read:

3 20.370 (1) (hg) *Deer management assistance program*. All moneys received<sup>✓</sup>  
4 from fees<sup>✓</sup> *collected by the department from participants* in the deer management assistance program under s. 29.020 to be used for  
5 administering the deer management assistance program.

6 SECTION 2. 29.020<sup>✓</sup> of the statutes is created to read:

**29.020 Deer management assistance program.** (1) The department shall

establish a deer management assistance program. Under this program, the

department shall encourage members of the public to provide deer harvest information to the department, which the department shall use to help improve the health and of the deer herd.

(2) establish fees for participation in the deer

management assistance program. The department shall credit all fees to the appropriate fund.

**SECTION 9132. Nonstatutory provisions; Natural Resources.**

(1) DEER MANAGEMENT ASSISTANCE PROGRAM. (a) The department of natural resources shall submit in proposed form any rules that are necessary to implement or interpret section 29.020 of the statutes, as created by this act, to the legislative council staff under section 227.15 (1) of the statutes no later than the first day of the 8th month beginning after the effective date of this paragraph.

(b) Using the procedure under section 227.24 of the statutes, the department of natural resources shall promulgate any rules necessary to implement or interpret section 29.020 of the statutes, as created by this act, for the period before the effective date of the permanent rules that are submitted under paragraph (a). Notwithstanding section 227.24 (1) (c) and (2) of the statutes, emergency rules promulgated under this paragraph remain in effect until the date on which the permanent rules take effect. Notwithstanding section 227.24 (1) (a), (2) (b), and (3) of the statutes, the department of natural resources is not required to provide evidence that promulgating rules under this paragraph as emergency rules is necessary for the preservation of the public peace, health, safety, or welfare and is

1 not required to provide a finding of emergency for rules promulgated under this  
2 paragraph.

3

(END)

*date*



2013-2014 DRAFTING INSERT  
FROM THE  
LEGISLATIVE REFERENCE BUREAU

LRB-1332/P1ins  
EHS:.....

1           INSERT A

2           The bill requires DNR, under this program, to provide a method for collecting  
3           information from the public about deer health and population in this state and  
4           receiving suggestions from the public about managing the deer population. The bill  
5           also requires DNR to analyze information received and use it to improve deer health  
6           and manage the deer population in this state.

7           For further information see the *state* fiscal estimate, which will be printed as  
8           an appendix to this bill.

2

3           INSERT 2-3

4           provide a method for collecting information from the public about deer health  
5           and population in this state and for receiving suggestions from the public about  
6           managing the deer population. The department shall analyze the information  
7           received and use it to improve deer health and manage the deer population in this  
8           state. The department shall promulgate rules to implement this program.

9           INSERT 2-11

10          The department of natural resources may use the procedure under section  
11          227.24 of the statutes to promulgate rules under section 29.020 of the statutes, as  
12          created by this act. Notwithstanding section 227.24 (1) (c) and (2) of the statutes,  
13          emergency rules promulgated under this subsection remain in effect until June 30,  
14          2015, or the date on which permanent rules take effect, whichever is sooner.

**DRAFTER'S NOTE  
FROM THE  
LEGISLATIVE REFERENCE BUREAU**

LRB-1332/P1dn

EHS:.....

Leev

date

Peter:

Below are a number of questions and comments on the draft.

This draft requires the Department of Natural Resources (DNR) to promulgate rules to implement the deer management assistance program, and gives DNR the authority to promulgate emergency rules. Under the draft, the emergency rules will remain in effect until permanent rules are promulgated or until June 30, 2015, whichever occurs first. I drafted this provision in this manner to give DNR sufficient time to promulgate permanent rules. Is this date satisfactory? Also, if DNR would like to expedite the emergency rules process, I can add a provision that exempts the proposed rules from the statement of scope and gubernatorial approval requirements under ch. 227.

The drafting request indicates that hunters and landowners as well as members of the public will be involved in the deer management assistance program. Because hunters and landowners are also members of the public, I used only "members of the public" in the draft. If hunters and landowners have a more specific role in the program, please let me know.

It is not clear what "a site-specific basis" means, so I used more general language in the draft.

It is not clear what "quality" of the deer population means, but I assumed by this you mean the health and population of deer in this state.

Under the program, will members of the public be analyzing and reporting deer harvest information? Or will they be providing information to the department for the department to analyze and report?

The proposed language required the department to "actively involve members of the public in the collection, analysis, and reporting of deer harvest information." This is relatively vague, so I changed it to "provide a method for collecting information from the public about the deer health and population in this state and for receiving suggestions from the public about managing the deer population." Please let me know if this is not consistent with your intent.

Finally, it is not clear what benefit members of the public will gain from participating in the program that would motivate them to pay a fee to participate.

Please review this draft carefully to ensure it is consistent with your intent. Let me know if you have any questions.

Elisabeth H. Shea  
Legislative Attorney  
Phone: (608) 266-5446  
E-mail: [elisabeth.shea@legis.wisconsin.gov](mailto:elisabeth.shea@legis.wisconsin.gov)

**DRAFTER'S NOTE**  
**FROM THE**  
**LEGISLATIVE REFERENCE BUREAU**

LRB-1332/P1dn  
EHS:eev:jm

January 31, 2013

Peter:

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Elisabeth H. Shea  
Legislative Attorney  
Phone: (608) 266-5446  
E-mail: [elisabeth.shea@legis.wisconsin.gov](mailto:elisabeth.shea@legis.wisconsin.gov)

## Shea, Elisabeth

---

**From:** Kirby, Peter W - DOA [Peter.Kirby@wisconsin.gov]  
**Sent:** Friday, February 01, 2013 12:17 PM  
**To:** Shea, Elisabeth  
**Subject:** 1332/P1

**Attachments:** Deer Management Stat Lang.docx



Deer  
gement Stat Lang.

Hi Lis,

Attached are some modifications from DNR. I'm not sure if it's possible to include a committee name in a draft. If so, do you have another suggestion?

Thanks,

Peter

29.020 (1) FINAL REPORT AND RECOMMENDATIONS BY WISCONSIN WHITE-TAILED DEER TRUSTEE AND REVIEW COMMITTEE JUNE, 2012. The department shall consider deer management recommendations included in the report regarding, population management, hunting regulations, seasons and bag limits, predator studies and management, chronic wasting disease, harvest data, herd health and productivity, habitat, people, DNR research and technical publications, conservation congress, and personnel. After consideration of these recommendations, the department shall implement those deemed effective, efficient and practicable.

**(2) Deer management assistance program.** The department shall establish a deer management assistance program. Under this program, the department shall provide deer management assistance to participating landowners; including deer harvest tags, harvest prescriptions, and deer habitat management advice. The department shall also provide a method for collecting information from participating landowners about deer health and the deer population and for receiving suggestions from the landowners about managing the deer population. The department shall analyze the information received and use it to improve deer health and manage the deer population in this state. The department shall promulgate rules to implement this program.

**(3)** The department may establish fees for participation in the deer management assistance program. The department shall credit all fees to the appropriation under s. 20.370 (1) (hg).

**SECTION 9132. Nonstatutory provisions; Natural Resources.**

(1) DEER MANAGEMENT PROGRAM. The department of natural resources may use the procedure under section 227.24 of the statutes to promulgate rules under section 29.020 29.563 (2)(c) 3 and 29.563 (2)(d) 2 of the statutes, as created by this act.

? Notwithstanding section 227.24 (1) (c) and (2) of the statutes, emergency rules promulgated under this subsection remain in effect until June 30, 2015, or the date on which permanent rules take effect, whichever is sooner. Notwithstanding section 227.24 (1) (a), (2) (b), and (3) of the statutes, the department of natural resources is not required to provide evidence that promulgating rules under this paragraph as emergency rules is necessary for the preservation of the public peace, health, safety, or welfare and is not required to provide a finding of emergency for rules promulgated under this paragraph.



State of Wisconsin  
2013 - 2014 LEGISLATURE



LRB-1332(P1) P2

EHS:eev:jm

2/1/13

D-NOTE

stays

DOA:.....Kirby, BB0423 - Deer management assistance program

**FOR 2013-2015 BUDGET — NOT READY FOR INTRODUCTION**

do not gen

1

AN ACT ...; relating to: the budget.

*Analysis by the Legislative Reference Bureau*

**NATURAL RESOURCES**

**FISH, GAME, AND WILDLIFE**

This bill requires DNR to establish a deer management assistance program. The bill requires DNR, under this program, to provide a method for collecting information from the public about deer health and the deer population in this state and receiving suggestions from the public about managing the deer population. The bill also requires DNR to analyze information received and use it to improve deer health and manage the deer population in this state.

For further information see the *state* fiscal estimate, which will be printed as an appendix to this bill.

*The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:*

2

SECTION 1. 20.370 (1) ~~fig~~ (LV) of the statutes is created to read:

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from fees collected by the department from participants in the deer management



1 assistance program under s. 29.020 to be used for administering the deer  
2 management assistance program.

3 **SECTION 2.** 29.020 of the statutes is created to read:

4 **29.020 Deer management assistance program.** (1) The department shall  
5 establish a deer management assistance program. Under this program, the  
6 department shall provide <sup>deer management assistance to participating landowners. The</sup> a method for collecting information from <sup>participating landowners.</sup> the public about <sup>department</sup> deer health and the deer population in this state and for receiving suggestions from <sup>shall also</sup> the public <sup>provide</sup> about managing the deer population. The department shall analyze the  
7 information received and use it to improve deer health and manage the deer  
8 population in this state. The department shall promulgate rules to implement this  
9 program.

10 (2) The department may establish fees for participation in the deer  
11 management assistance program. The department shall credit all fees to the  
12 appropriation under s. 20.370 (1) ~~68~~ (LV)

13 **SECTION 9132. Nonstatutory provisions; Natural Resources.**

14 (1) DEER MANAGEMENT ASSISTANCE PROGRAM. The department of natural  
15 resources may use the procedure under section 227.24 of the statutes to promulgate  
16 rules under section 29.020 of the statutes, as created by this act. Notwithstanding  
17 section 227.24 (1) (c) and (2) of the statutes, emergency rules promulgated under this  
18 subsection remain in effect until June 30, 2015, or the date on which permanent rules  
19 take effect, whichever is sooner. Notwithstanding section 227.24 (1) (a), (2) (b), and  
20 (3) of the statutes, the department of natural resources is not required to provide  
21 evidence that promulgating rules under this paragraph as emergency rules is  
22 necessary for the preservation of the public peace, health, safety, or welfare and is  
23  
24

1 not required to provide a finding of emergency for rules promulgated under this  
2 paragraph.

3 (END)

**DRAFTER'S NOTE**  
**FROM THE**  
**LEGISLATIVE REFERENCE BUREAU**

LRB-1332/P2dn

EHS:eev:jm

Stays

Date

White-Tailed

Peter:

As you will notice, the numbering of the appropriation has been revised from s. 20.370 (1) (hg) to ~~(hx)~~ <sup>(Lv)</sup>. This is a purely technical change.

As Robin explained in her email, the rulemaking authority related to the Wisconsin ~~Whitetailed~~ Deer Trustee and Review Committee report will go in LRB-1330, so I did not include that section in this draft.

I included the phrase, "Under this program, the department shall provide deer management assistance to participating landowners." I did not add "including..." that was in the proposed language. The department already has the discretion to interpret the phrase "deer management assistance" and determine what it includes.

Finally, I did not add ss. 29.563 (2) (c) 3. and (d) <sup>2</sup> ~~(2)~~ to the nonstatutory provision relating to rulemaking. I believe these sections may have been created in LRB-1330, not this draft. because these were not created in this draft.

Let me know if you have any questions.

Elisabeth H. Shea  
Legislative Attorney  
Phone: (608) 266-5446  
E-mail: elisabeth.shea@legis.wisconsin.gov

**DRAFTER'S NOTE**  
**FROM THE**  
**LEGISLATIVE REFERENCE BUREAU**

LRB-1332/P2dn  
EHS:eev:jm

February 4, 2013

Peter:

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Let me know if you have any questions.

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Legislative Attorney  
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State of Wisconsin  
2013 - 2014 LEGISLATURE



LRB-1332/P2

EHS:eev:jm

DOA:.....Kirby, BB0423 – Deer management assistance program

**FOR 2013-2015 BUDGET — NOT READY FOR INTRODUCTION**

1 **AN ACT ...; relating to:** the budget.

---

*Analysis by the Legislative Reference Bureau*

**NATURAL RESOURCES**

**FISH, GAME, AND WILDLIFE**

This bill requires DNR to establish a deer management assistance program. The bill requires DNR, under this program, to provide a method for collecting information from the public about deer health and the deer population in this state and receiving suggestions from the public about managing the deer population. The bill also requires DNR to analyze information received and use it to improve deer health and manage the deer population in this state.

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2 **SECTION 1.** 20.370 (1) (Lv) of the statutes is created to read:

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4 from fees collected by the department from participants in the deer management

1 assistance program under s. 29.020 to be used for administering the deer  
2 management assistance program.

3 **SECTION 2.** 29.020 of the statutes is created to read:

4 **29.020 Deer management assistance program.** (1) The department shall  
5 establish a deer management assistance program. Under this program, the  
6 department shall provide deer management assistance to participating landowners.  
7 The department shall also provide a method for collecting information from  
8 participating landowners about deer health and the deer population in this state and  
9 for receiving suggestions from participating landowners about managing the deer  
10 population. The department shall analyze the information received and use it to  
11 improve deer health and manage the deer population in this state. The department  
12 shall promulgate rules to implement this program.

13 (2) The department may establish fees for participation in the deer  
14 management assistance program. The department shall credit all fees to the  
15 appropriation under s. 20.370 (1) (Lv).

16 **SECTION 9132. Nonstatutory provisions; Natural Resources.**

17 (1) **DEER MANAGEMENT ASSISTANCE PROGRAM.** The department of natural  
18 resources may use the procedure under section 227.24 of the statutes to promulgate  
19 rules under section 29.020 of the statutes, as created by this act. Notwithstanding  
20 section 227.24 (1) (c) and (2) of the statutes, emergency rules promulgated under this  
21 subsection remain in effect until June 30, 2015, or the date on which permanent rules  
22 take effect, whichever is sooner. Notwithstanding section 227.24 (1) (a), (2) (b), and  
23 (3) of the statutes, the department of natural resources is not required to provide  
24 evidence that promulgating rules under this paragraph as emergency rules is  
25 necessary for the preservation of the public peace, health, safety, or welfare and is

1 not required to provide a finding of emergency for rules promulgated under this  
2 paragraph.

3 (END)